

THE BHUTAN FOREST ACT



1969

HIS MAJESTY'S GOVT. OF BHUTAN
Ministry of Trade, Commerce, Industries,
Forest and Mines

PERAMBLE

The Forest is most important natural wealth of this country. The future economy of the people and the country is very much dependent on its protection, conservation and scientific management based on the prescriptions of "Working Plans" which will cover as much of the forests as is feasible. Besides, the forest plays vital role in the preservation and continuation of aesthetic views, rain-fall & temperature regime and as a deterrent factor against soil erosion. To ensure this objective it has been considered necessary to have a Forest Act to consolidate the law relating to forests, the transit of forest produce and duty leviable on timber and other forest produce.

AN ACT TO AMEND THE LAW RELATING TO FORESTS,
FOREST PRODUCE AND THE DUTY LEVIABLE ON
TIMBER AND OTHER FOREST PRODUCE IN
B H U T A N

CHAPTER - I

Preliminary

1. This Act may be called the Bhutan Forest Act of 1969.
2. This Act extends to the whole of Bhutan.
3. It comes into force with effect from 1st November 1969.
4. In this Act, and in all rules made thereunder :—
 - (a) "Forest Officer" means any person appointed by His Majesty's Government to carry out all or any of the purposes of this Act;
 - (b) "Tree" includes palms, bamboos, stumps, brushwood and canes;
 - (c) "Timber" includes trees when they have fallen or have been felled and all wood whether converted or not;
 - (d) "Forest Produce" includes the following whether found in or brought from forests or not:
 - (i) timber, charcoal, catechu, wood-oil, resin, natural varnish bark, lac, flowers, seeds and fruits, trees and their leaves, grasses, creepers, reeds, orchids etc.
 - (ii) wild animals and birds, skins, tusks, horns, bones, silk, cocoons, honey and wax and all other parts or produce of animals and birds,
 - (iii) Peat, surface soil, rocks and minerals;

(d) "Forest Produce" includes the following whether found in or brought from forests or not;

- (i) *timber, charcoal, catechu, wood-oil, resin, natural varnish, bark, lac, flowers, seeds and fruits, trees and their leaves, grasses, creepers, reeds, orchids etc;*
- (ii) *wild animals and birds, skins, tusks, horns, bones, silk, cocoons, honey and wax and all other parts or produce of animals and birds;*
- (iii) *Peat, surface soil, rocks and minerals;*

(e) "Forest" means any land under forests which no person has acquired a permanent, heritable and transferable right of use and occupancy;

(f) "Forest offence" means an offence punishable under this Act;

(g) "Cattle" includes elephants, buffaloes, horses, ponies, mules, asses, pigs, sheep and goat;

(h) "River" includes any stream, canal and channel, natural or artificial.

(i) "Civil Officer" means, Commissioner, Asst. Commissioner, Deputy Commissioner, Sub-Divisional Officer, Thrimpon, Ramjam, Dzongdah or any person specially empowered by His Majesty's Government to try forest offences under this Act.

CHAPTER—II

Reservation of Forests

5. With effect from the date of publication of this Act, all forests as defined under Section 4 (e) are declared as Government Reserved Forests.

6. The following acts are prohibited in Reserved Forests :—

- (a) any fresh clearing or breaking up of any land for cultivation or any other purpose;
- (b) setting of fire to a Reserved Forest or leaving any fire burning in such manner as to endanger such a forest;
- (c) felling, girdling, lopping, tapping or injuring any tree;
- (d) quarrying of mineral, rock, stone, boulder, sand and any other forest produce;
- (e) poisoning water, hunting, shooting, fishing or setting traps or snares;
- (f) grazing cattle in new plantations, regeneration and catchment areas of streams reserved for supply of water for drinking and hydro-electric projects and in such areas as may be restricted by His Majesty's Government.

7. Any person who commits any offence under section 6 of this Act shall be punishable with imprisonment which may extend to *three months* or with fine which may extend to Rs. 300/- or with both in addition to such compensation for damage done to the forest as may be ordered by the convicting court.

8. Nothing in this Chapter shall be deemed to prohibit :—

- (a)i. any act done with the permission in writing of a Forest Officer specially empowered to grant such permission or under any order issued by His Majesty's Government.
- (a)ii. special permit for any forest produce shall be granted only by His Majesty the King of Bhutan.

- (h) the practice of shifting cultivation (Jhumming) in the areas where it was practiced prior to issue of this Act. His Majesty's Government reserve the right to withdraw this concession if such land endangers the safety of the Highways and public property. Fresh clearance for shifting cultivation is strictly prohibited and offenders shall be punished under Section 7 of this Act.
- (i) exercise of any right created by any grant or contract in writing made by or on behalf of His Majesty's Government
- (j) all kinds of forest operations shall be prohibited within any catchment area wheather it is the catchment for hydro-electric project or of water supply to township. Forests are completely protected.

CHAPTER - III

Rights and Concessions

- 9. Right in respect of cattle grazing in Reserved Forests by local villagers shall continue on payment of such taxes as may be imposed by His Majesty's Government from time to time except in areas restricted under Section 6 (f) of this Act.
- 10. Whereas the requirement of timber for bonafide domestic consumption of the local people shall be continued to be provided for from private land or Reserved Forest on payment of royalty as fixed by His Majesty's Government from time to time. His Majesty's Government reserves the right to the absolute ownership of trees, timber and other forest produce on private land. These trees may be made available by a Forest Officer or any Officer so

empowered by His Majesty's Government. Sale or barter of such timber is strictly prohibited and violation of this will make the offender liable to imprisonment which may extend to one month or with fine which may extend to Rs. 100/- or with both.

11. Collection of firewood for bonafide domestic use may be permitted free of royalty from dead, dying and fallen trees. If such firewood is not available, green firewood may be supplied from thinning or cutting of inferior species under supervision of Forest Officer or any Officer so empowered by His Majesty's Government.
12. Local people may continue to exercise the right to collect leaf-litter, boulder, stone and sand for bonafide domestic use free of royalty provided such removal does not endanger safety of the Highways or accelerate erosion.

CHAPTER—IV

Penalties and Procedures

13. When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce together with all tools, boats, carts, cattle or vehicles used in committing such offence, may be seized by any Forest Officer, who will then inform the nearest Civil Officer for trial of the offence.
14. Any Forest Officer of rank not lower than that of a Ranger^{officer} who or whose subordinate has seized any tools, boats, carts, cattle and vehicles under Section 13, may release the same on execution by the owner of a bond for production of the property so released, when required before the Civil

Officer. Such property, so seized, shall be liable to confiscation in addition to any other punishment prescribed for such offence.

15. When offender is not known, the Forest Officer may order the property, in respect of which offence has been committed, to be confiscated.
16. If a person knowingly counterfeits upon any timber or standing tree, a mark used by Forest Officer or alters, defaces any such mark, or destroys the boundary mark or pillar of any Forest shall be punishable with imprisonment which may extend to 6 months or with fine or with both.
17. Any Forest Officer, without orders from a Civil Officer, can arrest any person against whom a reasonable suspicion exists of having been connected in any forest offence and produce the person arrested before the nearest Civil Officer for trial.
18. Any Forest Officer not below the rank of a Forest Ranger can be empowered by His Majesty's Government to accept a reasonable sum of money from any person by way of compensation for the offence which such person is suspected to have committed and on payment of such money the suspected person, if in custody, shall be discharged and the seized property, if any, may be released.
19. Whenever fire is caused willfully or by gross negligence in a Reserved Forest, the offender shall be punished as per decisions passed in the National Assembly.

CHAPTER-V.

Miscellaneous.

20. Nothing shall be done to fell or damage trees or clear forests upto a distance of 600' uphill & 20'

downhill of the National Highways. Offenders shall be punished with imprisonment which may extend to one month or with fine which may extend to Rs. 100/- per tree or any grass.

Nothing in this section shall deem to prohibit any act done with the permission in writing of a Forest Officer specially empowered to grant such permission.

21. The control of all rivers & their banks as regards the floating of timber, as well as control of all timber & other forest produce in transit by land, air or water is vested in His Majesty's Government and it may make rules to regulate the transit of all timber & other forest produce.
22. All timbers found adrift, beached, stranded or sunk shall be deemed to be property of His Majesty's Government unless and until any person established his right. Such timber may be collected by any Forest Officer and disposed of in the best interest of His Majesty's Government.
23. Civil Officer may eject any person from land in a Reserved Forest in which no person has been allowed to settle and such person may be ordered to vacate forthwith and the Civil Officer may confiscate & sell any crop raised or any building erected without authority.
24. Cattle trespassing in a Reserved Forest which has been lawfully closed to grazing shall be deemed to be doing damage to plantations, regeneration & catchment areas and may be seized and impounded by any Forest Officer.
25. His Majesty's Government may resume any private land used for cultivation, pasture and homestead and bring it under purview of this Act if such resumption is considered necessary for prevention

of landslip on Highways, and for maintenance of water supply in catchment areas.

26. His Majesty's Government may make rules to regulate the following :—
 - (a) hunting, shooting, fishing and catching of elephants and other animals in the Reserved Forests;
 - (b) felling, sawing, conversion & removal of trees and timber and the collection, manufacture and removal of forest produce from Reserved Forests;
 - (c) granting of license or contracts to persons felling and removing of trees or timber or other produce from Reserved Forest for the purpose of trade;
 - (d) levy of duty in such manner at such places and at such rates on all timber or other forest produce which is produced in this country and also which is brought from outside.
27. Power to order for clearing and breaking up of land for cultivation or other purposes in a Reserved Forest shall absolutely vest with the Minister of Forests only.
28. Every person, who exercises any right in a Reserved Forest or who is permitted to take any forest produce and every person who is employed by such person shall be bound to furnish, without unnecessary delay, to the nearest Forest Officer, any information he may possess regarding commission of any forest offence or occurrence of any forest fire. Failure to do so shall be punishable with imprisonment which may extend to one month or with a fine which may extend to Rs. 200/- or with both.
29. (a) All money payable to His Majesty's Government under this Act or on account of price of any forest produce, may if not paid when due, be

recovered under the law for the time being in force as if it were an arrear of land revenue.

(b) *Forest produce*, if left, be taken possession of by a Forest Officer who may sell such produce by public auction and credit the sale proceeds towards the dues. If the proceeds do not cover the dues payable to His Majesty's Government, the balance amount may be recovered under the law for the time being in force as if it were an arrear of land revenue.

30. Nothing shall be done to *fell or damage* trees or clear forests in the area of National Park or Game Sanctuary or the shooting grounds of His Majesty the King. The offender shall be punished with imprisonment which may *extend* to one month or with fine which may extend to Rs. 200/- or both.
31. Royal Command issued by His Majesty, the King from time to time shall supersede all or any of the provisions of this Act.